UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CARLA CASTILLO LINN,

          Plaintiff,

   v.

JO-ANN STORES, LLC,

          Defendant.

C23-1035 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1)     By Minute Order dated July 2, 2024, docket no. 98, the Court granted defendant's motion in part, docket no. 43, to preclude plaintiff's expert Joellen Gill from testifying or implying that a coefficient of friction below 0.50 is per se unreasonably dangerous and/or unsafe. Plaintiff's motion to reconsider, docket no. 99, is DENIED. Plaintiff's expert Joellen Gill will not be permitted to testify or imply that a coefficient of friction below 0.50 is per se unreasonably dangerous and/or unsafe, as stated in the Minute Order. Although the Federal Rules of Evidence do not preclude an expert from opining about the ultimate issue, *see* Fed. R. Evid. 704(a), the Court may bar such testimony when it is not helpful. *See* Fed. R. Evid. 702(a); *see also United States v. Diaz*, 876 F.3d 1194, 1197 (9th Cir. 2017); *see also United States v. Schatzle*, 901 F.2d 252, 257 (2d. Cir. 1990). Further, Gill will not be permitted to testify or imply that it is widely accepted that the coefficient of friction for a level walking surface must exceed 0.50 to be considered safe. *See Kill v. City of Seattle*, 2014 WL 4198292 at *6 (Wash.App. Div. 1, 2014) (where the appellate court affirmed the trial court's holding that "Gill's statement that a 0.5 coefficient of friction is an absolute threshold for safety would mislead the

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1   jury" … and further concluded that "…Gill's expert testimony on slip-resistance is unreliable and misleading"). The nature and scope of Gill's other testimony will

2   otherwise be addressed at trial.

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        (2)     The Clerk is directed to send a copy of this Minute Order to all counsel of

4   record.

        Dated this 10th day of September, 2024.

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6                                                       Ravi Subramanian
                                                        Clerk

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                                                        s/Laurie Cuaresma
8                                                       Deputy Clerk

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